

# **JOINT COMMITTEE ON ADMINISTRATIVE RULES**

ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:  
SEN. BILL CUNNINGHAM

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SEN. KIMBERLY LIGHTFORD  
SEN. TONY MUÑOZ  
SEN. SUE REZIN  
SEN. PAUL SCHIMPF  
REP. TOM DEMMER  
REP. MIKE HALPIN  
REP. FRANCES HURLEY  
REP. STEVEN REICK  
REP. ANDRÉ THAPEDI

## **MINUTES**

**September 15, 2020**

### **MEETING CALLED TO ORDER**

The Joint Committee on Administrative Rules met on Tuesday, September 15, 2020, at 11:30 a.m. in Room C-1 of the Stratton Building, Springfield IL. Co-Chair Cunningham called the meeting to order and announced that the policy of the Committee is to allow only representatives of State agencies to testify orally on any rule under consideration at Committee meetings. Other persons are encouraged to submit their comments to the JCAR office in writing.

### **ATTENDANCE ROLL CALL**

X Senator Bill Cunningham	X Representative Tom Demmer
X Senator John Curran	X Representative Mike Halpin
Senator Kimberly Lightford	X Representative Frances Hurley
X Senator Tony Muñoz	X Representative Steven Reick
X Senator Sue Rezin	X Representative André Thapedi
X Senator Paul Schimpf	X Representative Keith Wheeler

### **APPROVAL OF THE MINUTES OF THE AUGUST 11, 2020 MEETING**

Sen. Muñoz moved, seconded by Rep. Demmer, that the minutes of the August 11, 2020 meeting be approved. The motion passed unanimously (11-0-0).

### **CONSIDERATION OF OTHER RULEMAKINGS AND ISSUES**

John Teefey, General Counsel, represented the Department of Agriculture via telephone.

Rep. Thapedi: Please explain DOA's expedited correction on the meeting agenda.

Mr. Teefey: It was making a technical correction to a source note.

Rep. Thapedi: Does DOA anticipate filing any additional cannabis-related emergency rules?

Mr. Teefey: Not at this time.

Rep. Thapedi: DFPR has recently come in with tiebreaker rules.

Mr. Teefey: DFPR's rules did not originally address tiebreaking and had many additional details regarding the scoring process prescribed by the statute itself. DOA's rules contained much more detailed scoring and application process because that language was not in the statute. DFPR was in front of JCAR because the statute did not address tiebreaking and DFPR did not have rules addressing ties. DOA's rules already address tiebreaking.

Rep. Thapedi: Does the DOA tiebreaker language relate to potential craft grower, infuser, and transporter licenses?

Mr. Teefey: Craft grower and infuser licenses. DOA is allowed to grant up to 40 craft grower licenses and up to 40 infuser licenses. There is no cap on the number of transporter licenses that can be issued, so there is no need for a tiebreaker.

Rep. Thapedi: What is the tiebreaker process for craft growers and infusers?

Mr. Teefey: The process laid out right now allows DOA to issue licenses via lottery. DFPR licenses are broken down by regions; DOA is not restricted by region.

Rep. Thapedi: Will DOA hire an outside entity to adjudicate ties?

Mr. Teefey: DOA has not yet made that decision. There is still the potential that there will not be any tie scores, so DOA has not yet finalized these specifics.

Rep. Thapedi: Would it not be prudent to resolve that issue prior to any particular tiebreaker scenario arising?

Mr. Teefey: Yes. DOA fully intends to have something in place.

Rep. Thapedi: Is it true that the legislative intent behind the statute anticipated that DOA would be grading applications in-house?

Mr. Teefey: I cannot comment as to what the legislative intent was. We saw the legislative intent for this to be as fair and equitable as possible, and have worked extremely hard to make sure that the process is conducted as confidentially and fairly as possible.

Rep. Thapedi: I'm not asking you to disclose confidential information about any of the applicants; I'm just trying to figure out what is going on right now. If you don't feel comfortable telling me who is scoring these applications that's your choice, but I would like to have an answer to that question today on the record.

Mr. Teefey: That information is readily available and has been disclosed elsewhere. We feel comfortable having a conversation with you this afternoon, or really any time, about conducting this process. I just don't feel comfortable disclosing that at this venue. But we are happy to have that conversation elsewhere. Transparency is very important to us, but there is a time and a place for that.

Rep. Thapedi: I can't think of any better time and place than right now, on the record, to have this conversation. But you did say that the information is readily available. Readily available where? Where can I go to see how this process is being conducted, whether you are doing it in-house or shipping it off to a contractor?

Mr. Teefey: We have responded to some FOIAs regarding the process. We have had some news stories about the process. We have readily shared that information with anyone who has contacted us.

Rep. Thapedi: But we're talking about it right now on the record and I don't know what the answer is. It's not readily available because I don't know what it is and I'm asking now. I think the lack of transparency is apparent and it's a problem.

Mr. Teefey: I am saying we want to be as transparent as possible and there is a place and time for this conversation. But given what DOA has before the Committee today, this doesn't seem like the proper venue to answer specific questions about our scoring process. But we are happy to provide that information to you today.

### **EXPEDITED CORRECTIONS**

*Department of Agriculture – Cannabis Regulation and Tax Act (8 Ill. Adm. Code 1300; 44 Ill. Reg. 12684)*

Sen. Schimpf moved, seconded by Rep. Halpin, that JCAR certify the Correction effective 6/3/20. The motion passed 10-1-0, with Rep. Thapedi voting no.

*Department of Insurance – Pharmacy Benefit Managers (50 Ill. Adm. Code 3145; 44 Ill. Reg. 12982)*

Rep. Hurley moved, seconded by Rep. Reick, that JCAR certify the Correction effective 5/29/20. The motion passed 11-0-0.

### **AGENCY RESPONSES**

*Department of Children and Family Services – Licensing Standards for Day Care Homes (Emergency Amendment to Emergency Rule) (89 Ill. Adm. Code 406; 44 Ill. Reg. 11070); Licensing Standards for Day Care Centers (Emergency Amendment to Emergency Rule) (89 Ill. Adm. Code 407; 44 Ill. Reg. 11079); Licensing Standards for Group Day Care Homes (Emergency Amendment to Emergency Rule) (89 Ill. Adm. Code 408; 44 Ill. Reg. 11094)*

Due to the appropriateness of the agency's response, no further action was taken.

### **CERTIFICATION OF NO OBJECTION**

Sen. Curran moved, seconded by Rep. Thapedi, that the Committee inform the agencies to whose rulemakings the Committee has not voted an Objection or Extension, or did not remove from the No Objection List, that the Committee considered their respective rulemakings at the monthly meeting and, based upon the Agreements for modification of the rulemaking made by the agency, no Objections will be issued. The motion passed unanimously (11-0-0).

### **ANNOUNCEMENT OF OCTOBER MEETING DATE**

Co-Chair Wheeler announced that the next JCAR meeting is scheduled for Wednesday, October 14, 2020, in Room C-1 of the William G. Stratton Office Building, Springfield IL at 11:30 a.m.

## **ADJOURNMENT**

Co-Chair Cunningham moved, seconded by Rep. Demmer, that the meeting stand adjourned. The motion passed unanimously (11-0-0).

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